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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policy and Rules Concerning the)
Interstate, Interexchange Marketplace)
)
Implementation of Section 254(g) of the)
Communications Act of 1934, as amended)

CC Docket No. 96-61

REPLY COMMENTS OF SPRINT COMMUNICATIONS COMPANY L.P.

Sprint Communications Company L.P. ("Sprint") hereby respectfully submits its reply comments in the above-captioned proceeding in response to the *Public Notice* released May 9, 2000, DA 00-1028.

In its comments addressing the first issue raised in the *Public Notice*, Sprint urged the Commission to allow permissive tariffing of new and revised contracts and other long term service arrangements that bundle domestic and international contracts during the entire transition period. The tariff for each such contract or long term service arrangement would have a banner stating that the interstate portion of the filing is being made for informational purposes only and is not filed subject to §203 of the Communications Act. As Sprint stated in its Comments, this banner will obviate the Commission's concerns about the filed rate doctrine and the ability of the IXC's to rely upon it for the domestic portion of their bundled offerings. Other commenting parties

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have also recommended permissive tariffing of bundled domestic and international services during the full transition period.¹

The Business Consumers, however, object to the continued bundling, stating that “[t]he only thing that postponement of detariffing or permissive detariffing of bundled offerings would accomplish would be continuation of a regime under which carriers can enter into contracts that they can later abrogate with impunity.” (at 5). If the Commission adopts Sprint’s proposed banner, the terms of the contract would supersede the terms of the tariff for the carrier's domestic offerings. Thus, contrary to the Business Consumer's position, no IXC could “abrogate with impunity” the new or revised contracts for domestic service that they enter during the transition period.

GSA argues that the transition period for detariffing contract tariff offerings and long-term service arrangements should be reduced to four months or eliminated. The nine month transition period for all of an IXC’s tariffs was adopted by the Commission in its *Detariffing Order*.² GSA is in effect seeking reconsideration of the Commission’s determination of a nine month transition period. There is no basis for the Commission to allow the filing of such reconsideration in response to the *Public Notice*.

¹ See, e.g., AT&T at 2 (AT&T believes that permissive tariffing should be permitted for such bundled offerings until the later of (i) the expiration of the nine month transition period, or (ii) the effective date of a Commission decision to detariff the international component of bundled offerings”); ASCENT at 3-4; and Econobill Corporation at 1-2.

² Policy and Rules Concerning the Interstate, Interexchange Marketplace, 11 FCC Rcd 20730 (1996) (“Detariffing Order”) (¶89), Reconsideration Order, 12 FCC Rcd 15014 (1997), Second Order on Reconsideration, 14 FCC Rcd 6004 (1999), affirmed sub nom. MCI WorldCom Inc. et al. v. FCC, 2000 U.S. App. LEXIS 8267 (D.C. Cir. 2000).

Concerning the Commission's second issue, *i.e.*, the posting of rates, terms and conditions on the IXC's websites, a number of comments suggest establishing a deadline before January 31, 2001 for posting. For example, GSA suggests an earlier deadline of September 30, 2000. GSA has not submitted any information or data with its comments that IXCs could reasonably meet this deadline. Rather, it suggests that an earlier deadline would be helpful to consumers who can gain experience using the website and would serve to motivate IXCs to cancel their tariffs (at 6).

Apparently, GSA does not appreciate the difficulties involved in developing a consumer-friendly website for the posting of schedules containing rates, terms and conditions of interstate, interexchange service. As Sprint described in its Comments, there are many time consuming tasks involved in constructing a website, and the complexity of the tasks increases with the amount of information to be posted. (at 5-6) There is no evidence or data that constructing a website can be done within the timeframe GSA suggests. Thus, many IXCs, including Sprint, will require the full transition period to implement the multitude of tasks required to detariff their interstate services, including establishing a website with the interstate information. During the transition period, consumers will continue to have tariffs available. Sprint does not believe -- and GSA has provided no evidence to the contrary -- that it will be difficult for consumers to move from the tariffed environment to the website to obtain interstate information. On the contrary, one would hope that the widespread availability of the Internet will make it easier to obtain information than has historically been the case with tariffs accessible at the offices of the F.C.C.

Similarly, Econobill proposes that IXCs be required to have their websites ready by July 1, 2000 to afford consumers “meaningful, immediate and uniform access to all carrier website postings, not staggered, delayed access (which would be confusing) as IXCs detariff.” (at 2) As discussed above, IXCs face different hurdles in posting the information on their websites. Affording large IXCs little time to post voluminous amounts of information would be unduly burdensome. Smaller IXCs with limited resources may also find such time constraints difficult or impossible to meet. Indeed, ASCENT, which represents a wide range of smaller competitive telecommunications providers, expressed its concern about the “burdens rapid implementation of the public disclosure requirements might impose on small providers.”³ (at 3)

WorldCom suggests that the Commission exclude individually negotiated service arrangements from the requirements for website posting. (at 7-9). Whatever the Commission adopts as a general matter should not be applied to CLEC charges to IXCs in the event that the Commission applies mandatory detariffing to such carriers. Although the Commission has found CLECs to be nondominant, it is clear that they can and do exercise substantial market power in the provision of access services. Absent public disclosure of their individually negotiated contracts with the IXCs for the

³ In addition, the rules adopted by the Commission do not contemplate the availability of information on the website prior to the detariffing of a carrier’s services. The webposting requirements of 47 C.F.R. §42.10(b) are directly linked to the public disclosure requirements of 47 C.F.R. §42.10(a) which requires the public availability of “information concerning ... [an IXC’s] current rates, terms and conditions for all of its detariffed interstate, domestic, interexchange services.” §42.10(b) requires IXCs to “make such [detariffed] rate and service information specified in paragraph (a) of this section available on-line...” Thus, there is no basis in the rules for requiring the posting of rate and service information prior to the IXC detariffing the service.

provision of access services, CLECs would be able to engage in conduct in violation of Section 202(a) of the Act with impunity.

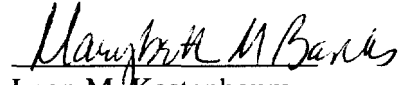
Many of the commenting parties expressed their strong support for the detariffing of international services. For example, GSA urges international detariffing “to expedite consistency in the treatment of domestic and international services, and provide the benefits of detariffing to all users...” (at 5) Similarly, AT&T (at 5-6), Comptel (at 1-5) and WorldCom (at 16-17) recommend detariffing of international services to avoid the uncertainty, cost and confusion which will certainly result from the applicability of disparate legal regimes for domestic and international services.⁴ Sprint agrees completely with AT&T that “[a] transition period that allows for simultaneous implementation of detariffing for domestic and international services will ease the transition to a detariffing regime for both carriers and customers, and eliminate one of the major inefficiencies inherent in maintaining separate, inconsistent tariff regimes for domestic and

⁴ Ad Hoc supports the initiation of a proceeding to consider detariffing international services. (at 5)

international services.” (at 6). Sprint again urges the Commission to detariff international services as quickly as possible.

Respectfully submitted,

Sprint Communications Company L.P.

A handwritten signature in cursive script, appearing to read "Marybeth M. Banks".

Leon M. Kestenbaum

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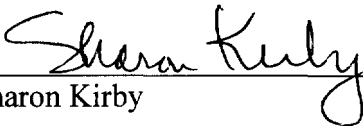
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June 9, 2000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent by United States first-class mail, postage prepaid, on this 9th day of June, 2000 to the parties on the attached list.


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June 9, 2000

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